

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BRETT MARTIN on behalf of himself and all others similarly situated,)	
)	Case No. 2:18-cv-00600-TSZ
Plaintiff,)	
)	ANSWER, AFFIRMATIVE DEFENSES,
vs.)	AND COUNTERCLAIM
)	
SUNLIGHT SUPPLY, INC.,)	
)	
Defendant.)	
)	
)	

Defendant Sunlight Supply, Inc. (“Defendant”), by and through its undersigned attorneys, hereby answers the Class Action Complaint (“Complaint”) filed by Plaintiff Brett Martin (“Plaintiff”) as follows:

I. INTRODUCTION

1.1 The allegations set forth in Paragraph 1.1 of the Complaint constitute legal conclusions that do not require a response. To the extent that Paragraph 1.1 asserts any factual allegations, Defendant denies them.

1.2 As to Paragraph 1.2, Defendant admits that it terminated Plaintiff’s employment. Defendant denies the remaining factual allegations in Paragraph 1.2.

1.3 Paragraph 1.3 purports to characterize this action and states legal conclusions that do not require a response. To the extent that Paragraph 1.3 asserts any factual allegations, Defendant denies them.

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IV. FACTS

4.1 Paragraph 4.1 purports to characterize this action and additionally states legal conclusions that do not require a response. To the extent that Paragraph 4.1 asserts any factual allegations, Defendant denies them.

4.2 Paragraph 4.2 states legal conclusions that do not require a response. To the extent that Paragraph 4.2 asserts any factual allegations, Defendant denies them.

4.3 As to Paragraph 4.3, Defendant admits that the names and last known residential addresses of employees are maintained in Defendant's records. The remaining factual allegations of Paragraph 4.3 are denied.

4.4 As to Paragraph 4.4, Defendant admits that it maintains information pertaining to employees' rates of pay and benefits in Defendant's records. The remaining factual allegations of Paragraph 4.4 are denied.

4.5 Paragraph 4.5 and each of its subparts state legal conclusions that do not require a response. To the extent that Paragraph 4.5 or any of its subparts assert any factual allegations, Defendant denies them.

4.6 As to Paragraph 4.6, Defendant admits that Plaintiff worked at Defendant's world headquarters and that Plaintiff was laid off on November 16, 2017. The remaining factual allegations of Paragraph 4.6 are denied.

4.7 The first sentence of Paragraph 4.7 states legal conclusions that do not require a response. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of the second sentence of Paragraph 4.7 and therefore denies them.

4.8 Paragraph 4.8 states legal conclusions that do not require a response. To the extent that Paragraph 4.8 asserts factual allegations, Defendant denies them.

4.9 Paragraph 4.9 states legal conclusions that do not require a response. To the extent that Paragraph 4.9 asserts factual allegations, Defendant denies them.

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1 **SEVENTH AFFIRMATIVE DEFENSE**

2 6.7 The claims of individual class members that Plaintiff seeks to represent are barred to the
3 extent that such claims are covered by a prior compromise or release of claims.

4 **EIGHTH AFFIRMATIVE DEFENSE**

5 6.8 In the event that the Court certifies this action as a class action, Defendant incorporates
6 by this reference and realleges all of its defenses to individual class members' claims.

7 **VII. COUNTERCLAIM**

8 7.1 Defendant incorporates by reference the responses set forth in the preceding paragraphs.

9 7.2 Defendant is entitled to an award of its reasonable attorney fees pursuant to 29 U.S.C.
10 § 2104(a)(6).

11 **WHEREFORE**, Defendant respectfully requests that this Court:

12 A. Dismiss Plaintiff's Complaint in its entirety and with prejudice;

13 B. Award Defendant its costs and reasonable attorneys' fees; and,

14 C. Grant such other and further relief as the Court deems just and equitable.

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16 BUCKLEY LAW, P.C.

17
18 By: /s Marjorie A. Elken

DATED: May 24, 2018

19 Marjorie A. Elken, WSB No. 45788

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21 Phone: 503-620-8900

22 Trial Attorney: Marjorie A. Elken

23 *Of Attorneys for Defendant Sunlight Supply, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing ANSWER, AFFIRMATIVE DEFENSES, AND
COUNTERCLAIM on:

Michel C. Subit
Frank Freed Submit & Thomas
705 Second Avenue, Suite 1200
Seattle, Washington 98104

Of Attorneys for Plaintiff

Jack A. Raisner
René S. Roupinian
Outten & Golden LLP
685 Third Avenue, 25th Floor
New York, NY 10017

Of Attorneys for Plaintiff

☒ by MAILING a full, true and correct copy thereof in a sealed, postage-paid envelope,
addressed as shown above, and deposited with the U.S. Postal Service at Lake Oswego, Oregon, on
the date set forth below;

☐ by causing a full, true and correct copy thereof to be HAND-DELIVERED to the party, at the
address listed above on the date set forth below;

☐ by FAXING a full, true and correct copy thereof to the party, at the fax number shown above,
which is the last-known fax number for the party's office, on the date set forth below.

☒ by electronic mailing through the CM / ECF Filing System, on the date set forth below.

DATED: May 24, 2018

BUCKLEY LAW, P.C.

By: /s/ Marjorie A. Elken

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